

441—98.81(252B) Offset against payment owed to a person by a state agency. The department will make a claim against a payment owed to an obligor by a state agency when support payments are delinquent as set forth in rule 11—40.1(8A). A claim against a payment owed to an obligor shall be applied to court-ordered support which the department is attempting to collect pursuant to Iowa Code chapter 252B.

98.81(1) *Case selection.* The department shall submit to the department of administrative services, at least monthly, a list of obligors who are delinquent at least \$50 in support payments.

98.81(2) *Notification of offset.* The department shall mail a preoffset notice to an obligor and the department of administrative services within ten days of receiving notification from the department of administrative services that the obligor is entitled to a payment. The preoffset notice shall inform the obligor of the amount the department intends to claim and apply to the support obligation and shall contain all information required by Iowa Code subsection 8A.504(2) and 11—subrule 40.4(4).

98.81(3) *Appeal process.* An obligor may contest the department's claim by submitting a written request to the department. A hearing shall be granted pursuant to rules in 441—Chapter 7 if the obligor's request is submitted within 15 days of the date of the preoffset notice.

98.81(4) *Final disposition of offset.* The department shall notify an obligor of the final decision regarding the claim against the offset by mailing a final disposition of support recovery claim notice to the obligor.

98.81(5) *Distribution of offset amount.* Offsets shall be applied in accordance with rules 441—95.3(252B) and 441—95.4(252B).

98.81(6) *Percentage of payment offset.* The amount of offset shall be 50 percent of the total payment due the obligor, unless the payment results from lottery winnings, in which case the amount of offset shall be 100 percent of the payment. The amount taken shall not exceed the amount due on the case.

This rule is intended to implement Iowa Code sections 252B.3 and 252B.4 and Iowa Code subsection 8A.504(2).